

2 SUBDIVISION OF LAND INTO TWO (2 LOTS) AND REMOVAL OF RESERVE STATUS (RESERVE 1 ON PS 542160D) FROM PROPOSED LOT AT 100 BLUE HORIZONS WAY PAKENHAM

FILE REFERENCE INT1634787

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That Planning Permit T150580 be issued for Subdivision of land into two (2) lots and to proceed under Section 24A of the Subdivision Act 1988 (removal of reserve status of Reserve 1 as shown on 542160D from proposed Lot 1) at 100 Blue Horizons Way, Pakenham Victoria 3810 subject to the conditions attached to this report

Attachments

- 1 Subdivision plans 2 Pages
- 2 Locality plan 1 Page

EXECUTIVE SUMMARY

APPLICATION NO.:	T150580
APPLICANT:	Cardinia Shire Council C/- Nobelius Land Surveyors
LAND:	100 Blue Horizons Way, Pakenham Victoria 3810
PROPOSAL:	Subdivision of land into two (2) lots and to proceed under Section 24A of the Subdivision Act 1988 (removal of reserve status of Reserve 1 as shown on 542160D from proposed Lot 1)
PLANNING CONTROLS:	General Residential Zone Land Subject to Inundation Overlay, Development Contributions Plan Overlay Schedule 1
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to adjoining land owners and occupiers and placing a sign on site.
KEY PLANNING CONSIDERATIONS:	Clause 32.08-2 – General Residential Zone Clause 52.02- Easements, restrictions and Reserves
RECOMMENDATION:	Planning Permit Approval

BACKGROUND:

There is no relevant planning history for this site.

SUBJECT SITE:

The site is located on the south side of Blue Horizons Way Pakenham.

A crossover is located north side and there is an easement along the southern and western boundaries of the site.

The site is currently vacant.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- *North* *Access Road (Blue Horizons Way)*
- *South* *Vacant Land*
- *East* *Residential*
- *West* *Residential*

PROPOSAL:

The subject site was transferred into Council ownership in 2010 as part of the open space contribution associated with the Blue Horizons estate subdivision. It has been determined that public open space and land for recreation purposes in the area exceeds Council requirements and therefore, the removal of the reserve status, approved by this application, will allow the sale and future development of the site.

It is proposed that land to be subdivided in to two lots and remove the reserve status from the proposed Lot 1 which enable the sale of the proposed Lot 1. The land size of the reserve will be reduced to 306 square metres and the proposed Lot 1 will be 676 square metres. The existing easements will remain the same across the reserve and the proposed Lot 1 to fulfil drainage and sewerage requirements.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.05-4 Regional planning strategies and principles

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01-4 Strategic vision

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.02 – Easements, Restrictions and Reserves
- Clause 65 – The Decision Guidelines

Zone

The land is subject to the **General Residential Zone**

Overlays

The land is subject to the following overlays:

- *Development Contributions Plan Overlay Schedule 1*

- Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for subdivision of land into two (2) lots and to proceed under Section 24A of the Subdivision Act 1988 (removal of reserve status of Reserve 1 as shown on 542160D from proposed Lot 1) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-2 of *General Residential Zone*, a planning permit is required for *subdivision of land*.
- Pursuant to Clause 52.02 of *Easements, Restrictions and Reserve*, a planning permit is required before a person proceeds under Section 24 A of the *Subdivisions Act 1988*.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- *Sending notices to the owners and occupiers of adjoining land.*
- *Placing a sign on site*

The notification has been carried out correctly, and Council has received *no* objections to date.

REFERRALS

Melbourne Water

The application was referred to *Melbourne Water* as a statutory referral. *Melbourne Water* had no objection to the proposal subject to conditions

South East Water

The application was referred to *South East Water* for comment. *South East Water* had no objection to the proposal subject to conditions.

DISCUSSION

Subdivision

It is proposed to subdivide part of the Reserve 1 of PS542160D (Blue Horizons Way Reserve) within the Blue Horizons estate. This would allow the on sale of land in the open market. The subdivision will create a residential lot which will be developed for residential purposes. The subject property is located within a residential estate surrounded by residential development. Therefore, the proposed subdivision will be consistent with the existing character and development of the area.

Removal of reserve status

It is proposed to remove approximately 676 square metres of the Blue Horizons Way Reserve. The rest of the 337 square metres will remain as a reserve with the easements created for drainage and sewerage purposes.

The area surrounding contains a number of parks and larger recreation reserves. As such, officers are satisfied that the open space requirements of the local residences can be satisfied with the remaining areas.

The general amenity of the area will not be significantly affected by the proposal as the reserve does not contain any recreation facilities and makes little contribution to the neighbourhood in terms of appearance.

Future development of the proposed Lot 1 will be required to be consistent with the purpose and intent of the General Residential Zone which applies to the land. The lot size is similar to those in the surrounding area, and as such Council officers are satisfied that the lot could be developed in a manner that contributes positively to the neighbourhood character.

The application was referred to Melbourne Water and South East Water and they had no objections to the proposal subject to conditions.

For the reasons mentioned above, Council officers are satisfied that the level of amenity will not be determinately impacted and hence, support the application.

CONCLUSION

Council has assessed the subject application against relevant State and Local Planning Policy Frameworks and relevant planning scheme clauses that relate to the removal of reservations. It is considered that the proposal satisfactorily responds to the Decision Guidelines of Clause 65 and the matters within Section 60 of the Planning and Environment Act. For these reasons, it is recommended that a Planning Permit is issued for application T150580, subject to the below mentioned conditions.

CONDITIONS


1. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the responsible authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
5. Before the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

This permit will expire if:

- a) The subdivision and removal or reserve status is not commenced within **two (2) years** of the date of this permit; or.
- b) The subdivision and removal or reserve status is not completed within **five (5) years** of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.)

PLAN UNDER SECTION 24A OF THE SUBDIVISION ACT 1988.		EDITION 1	PS 743941 C	
LOCATION OF LAND PARISH: Nar Nar Goon TOWNSHIP: SECTION: CROWN ALLOTMENT: 51G (Pt) CROWN PORTION: TITLE REFERENCE: Vol: 11229 Fol: 578 LAST PLAN REFERENCE: Reserve No.1 on PS 542160D POSTAL ADDRESS: 100 Blue Horizons Way, Pakenham 3810 (at time of subdivision) MGA CO-ORDINATES: E: 365 290 ZONE: 55 (of approx centre of land N: 5 783 250 GDA 94 in plan)		Council Name: Cardinia Shire Council		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		This is a Spear Plan <u>PURPOSE OF PLAN</u> To remove the Reserve status from Lot Reserve No. 1 on PS 542160D, to create lot 1 shown hereon and to vest Reserve No. 1 to the Cardina Shire Council. <u>GROUND FOR REMOVAL</u> Cardinia Shire Council Planning Permit No.	
Reserve No. 1	Cardinia Shire Council			
NOTATIONS				
DEPTH LIMITATION: DOES NOT APPLY				
SURVEY: This plan is not based on survey. STAGING: This is not a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No.71				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Sewerage	4	PS 510552O	South East Water Limited
E-2 & E-4	Drainage	4	PS 542160D	Melbourne Water Corporation
E-3, E-4 & E-6	Sewerage	See Plan	PS 542160D	South East Water Limited
E-5 & E-6	Drainage	See Plan	This Plan	Melbourne Water Corporation
NOBELIUS LAND SURVEYORS  P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobelius.com.au		SURVEYORS FILE REF: 13,915		ORIGINAL SHEET SIZE: A3
		LICENSED SURVEYOR: B. S. NOBELIUS VERSION D		SHEET 1 OF 2

PS 743941 C

MGABA
ZONE 55

BLUE HORIZONS WAY

RESERVE No.1
337m²

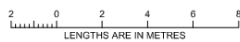


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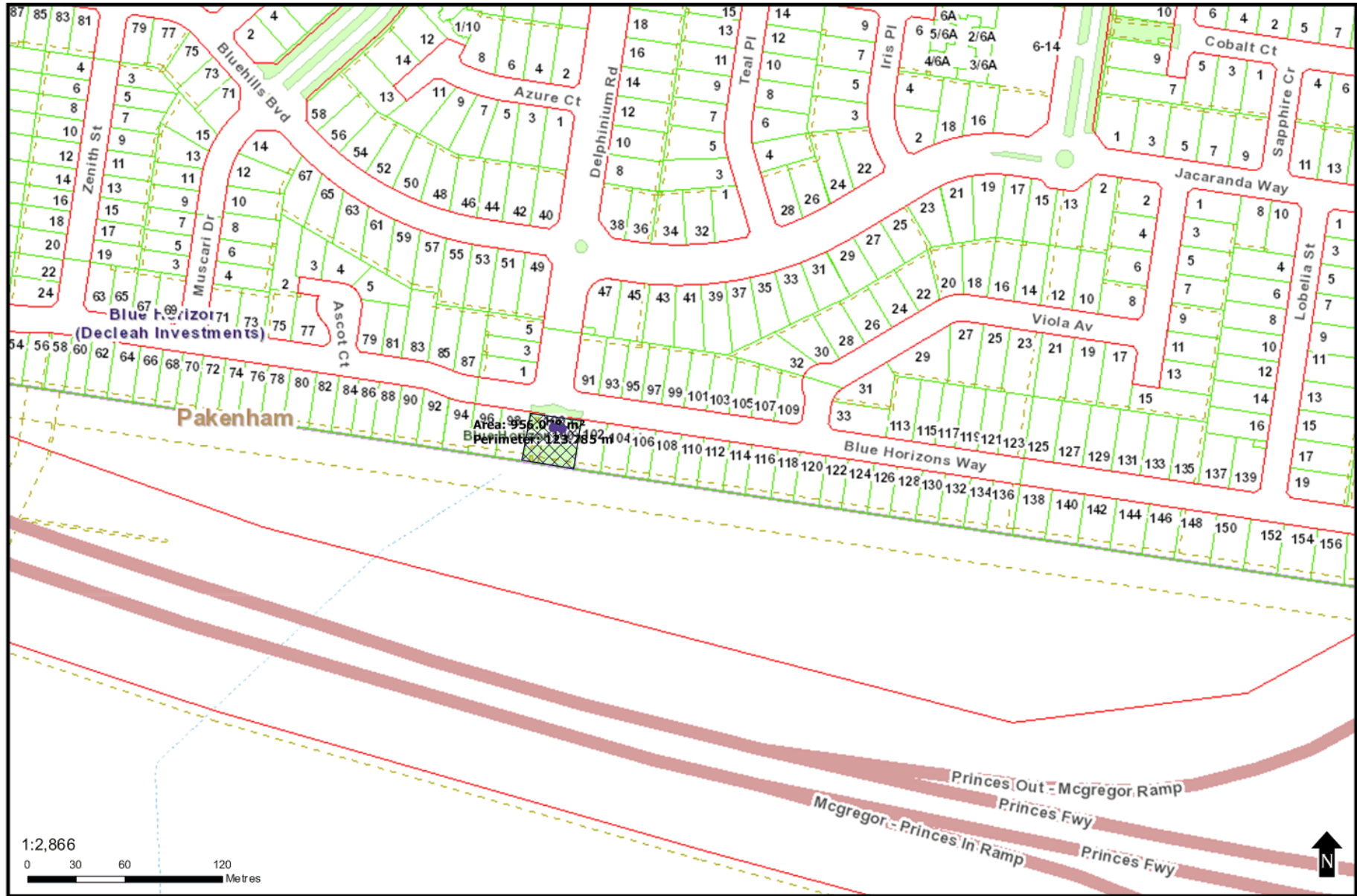
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ORIGINAL SHEET
SIZE: A3

SHEET 2

LICENSED SURVEYOR: B. S. NOBELIUS
VERSION D



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